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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RODNEY N. BLALOCK,)	Case No.: 1:21-cv-00144-EPG
)	
Plaintiff,)	ORDER RE: STIPULATION FOR THE
)	AWARD AND PAYMENT OF ATTORNEY
vs.)	FEES AND EXPENSES PURSUANT TO
KILOLO KIJAKAZI,)	THE EQUAL ACCESS TO JUSTICE ACT,
Acting Commissioner of Social Security,)	28 U.S.C. § 2412(d), AND COSTS
)	PURSUANT TO 28 U.S.C. § 1920
)	
Defendant.)	

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount \$5,500.00 (Five Thousand, Five Hundred dollars and 00/00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel, if any. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor any assignment will depend on whether the fees are subject to any offset allowed under the United States

Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to counsel, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to counsel.

This stipulation constitutes a compromise settlement of Plaintiff request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or counsel including counsel's firm may have relating to EAJA attorney fees or costs in connection with this action.

This award is without prejudice to the rights of counsel and/or counsel's firm to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted,

Dated: August 19, 2022

/s/ Jonathan O. Peña*

JONATHAN O. PEÑA

Attorney for Plaintiff

(*signature authorized via e-mail Aug. 19, 2022)

Dated: August 22, 2022

PHILLIP A. TALBERT

United States Attorney

PETER K. THOMPSON

Acting Regional Chief Counsel, Region IX

Social Security Administration

By: /s/ Ellinor R. Coder

ELLINOR R. CODER

Special Assistant U.S. Attorney

Attorneys for Defendant

ORDER

Based upon the parties' stipulation, IT IS ORDERED that fees and expenses in the amount of \$5,500.00 as authorized by the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and no costs as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the stipulation. Further, the Court vacates all pending deadlines related to the motion for attorney fees (ECF Nos. 27, 28). Given the parties' stipulation, the Clerk of Court is respectfully directed to terminate as pending Plaintiff's motion for attorney fees (ECF No. 27).

IT IS SO ORDERED.

Dated: August 22, 2022

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE